

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474-AA
v.	)	
	)	
U.S. DEPARTMENT OF EDUCATION and	)	<b>DECLARATION OF</b>
Suzanne GOLDBERG, in her official capacity as	)	<b>HAYDEN BROWN</b>
Acting Assistant Secretary for Civil Rights,	)	
U.S. Department of Education,	)	
	)	
Defendants.	)	

I, Hayden Brown, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. I am a resident of York, Nebraska.

3. I am currently a student at York College.

4. I am 20 years old.

5. I am majoring in English Education with an emphasis in reading instruction.

6. I am a queer demiboy and use he/they/she pronouns.

7. While attending York College, I received federal financial aid from the U.S. Department of Education. I received a grant for educators in needed subjects. I have also worked a federal work study position in the campus bookstore, coffee shop and tutoring students in English.

8. I attended York College because I grew up in the Church of Christ, the same denomination as the college. I was struggling with my sexuality, feeling it was sinful and that I

should reject it, at the time I was considering college. I thought York College would be an environment where I could “pray the gay away” and overcome my struggle with homosexuality. I also attended York College because my parents told me that they would pay for my education there.

9. I have stayed at York College because of my family, who believes that it is the best place for me to return to my roots and repent. They won’t pay for me to attend any other college. I have also stayed here because many of my required Bible courses will not count toward my degree requirements at other colleges.

10. My relationship with York College is very tumultuous. There are days where I skip across campus because I am ecstatic and cannot wait to see my friends, but there are days where I do not have enough energy to get out of bed because I do not want to have to deal with all of the microaggressions, stares, comments, and issues that York College brings into my life.

11. There are some staff and faculty here who are affirming and who speak up, one of whom has been threatened into silence.

12. I became very depressed during my freshman year because my attempt to become heterosexual was not working.

13. I came out to my parents the summer after my freshman year. My parents sent me to a therapist who held their same non-affirming view of sexuality. I also saw a therapist on campus. She held the same non-affirming views as my parents. I felt like these therapists attempted to induce me to reject my sexuality or at least be “less gay” than I was.

14. When I came out online with a Tweet, and subsequently in person with the way I dress, talk, and hold myself, I was not focused on my own safety. I needed to come out because of my own mental health and the pseudo-conversion therapy I had and was going through.

15. I felt amazing after I came out. I couldn't focus or do any homework because I felt so good and on such a natural high from coming out.

16. However, I have had many attempted disciplinary actions for a variety of things, the most common being the dresses or high heels I wear. People have complained directly to me and reported me to the administration. At times, I have been asked to refrain from wearing feminine clothing by the Title IX coordinator.

17. I was asked/told to withdraw from the study abroad program in Vienna, Austria because of my sexuality and how their Bible class was going to call me an abomination to my face. The professor decided it would be easier for him to talk about me behind my back than to allow to participate in class.

18. I feel supported by some students but I only feel safe when I am off campus.

19. My college's student handbook explicitly states that marriage is to be between a man and a woman. The mandatory curricula for all majors includes Bible classes that talk on homosexuality and condemn it as a sin.

20. I have worked with the Title IX coordinator as well as the maintainer of the student handbook and the vice presidents of student development and spiritual development for York College in order to change the student handbook language and address these issues on the campus.

21. We asked for sexual orientation and gender identity to be added to York College's non-discrimination policy but the administration refused.

22. We asked for the definition of marriage as between one woman and one man to be removed from the student handbook. The administration refused. They told us that the Board of Trustees would not approve of this change.

23. My understanding is that two members of the Board of Trustees are affirming of LGBTQ+ students. I have been told that I am not allowed to meet with the Board.

24. York College administrators have told me that creating a gay-straight alliance or discussing LGBTQ+ issues at chapel or devo would be “too divisive.”

25. Sometimes I let the things they say and do get to me; in those moments I feel like I am too much, difficult, annoying or whiny.

26. Most of the time though the stance York College takes on LGBTQ+ matters fills me with a sort of righteous indignation.

27. York College has a mutual accountability policy that requires students to inform administration if they witness another student violating the college’s policies.

28. This policy has been used in harmful ways for queer students.

29. The “YC royalty” students on campus use Snapchat or other social media to get other students in trouble, including targeting queer women.

30. I am the only out queer male student on campus. There was another out queer male student on campus last year for a semester but he left. My understanding is that he left because the campus climate was not supportive of him as a queer man of color.

31. There is an unofficial LGBTQ+ club on campus called YC Colors. I helped found this group. We are not approved by the college. We cannot meet on campus or promote our meetings or events on campus. The college prohibits us from using social media to advertise our group.

32. There is an unofficial rule prohibiting same-sex dating and public displays of affection. Straight students often show public displays of affection in the common spaces of the

dorms but there are never queer displays of affection in those spaces. Queer displays of affection only occur behind closed doors. This secrecy is for protection and to prevent disciplinary action.

33. I have experienced a lot of mental and emotional harm because of York College. I live in an underclassman dorm on campus. I have a counter on my window that reads "The # of Times I have heard the word 'F\*g'". The counter currently stands at 11 for the period of September 2020 through January 2021. I have only counted the number of times I have heard the slur through the walls of my dorm room because I could not count the number of times I have heard it out in public.

34. I reported the use of this slur to the Title IX office but no action was taken to my knowledge.

35. I have had staff/faculty recommend a non-affirming, school-paid therapist to me after I have spoken to them about queer issues. I have been told I will not be able to become an effective teacher, or be hired at all, because of my sexuality.

36. I often leave or return to my dorm room in the dark, this means that I hold my keys between my fingers in order to protect myself because I am so anxious a student, staff or faculty member, or person from the surrounding community may attack me.

37. There is an added burden by being an out student on campus. I am often asked why I came/stay here as well as am forced to participate in fruitless conversations about the queer struggles with people who are not even involved nor could be involved with changing it.

38. If the current Title IX coordinator had been someone else who more forcefully enforced the student handbook policies around sexuality and gender, I would probably have been expelled by now.

39. I am not the only student that York College has treated like this. Others have told me that they have experienced the same or similar treatment from York College because they are queer or trans.

40. There are other queer and trans students at York College right now, most of whom are closeted. A transwoman currently on campus has been rejected from a female dormitory and a female social club. She is forced to live in a male dorm even though she is a woman, dresses in feminine attire and uses a female name and female pronouns.

41. I have been told by college administrators that they did not need to take the actions I recommended to protect queer and trans students because they have a religious exemption from Title IX that allows them to maintain their current policies.

42. I have been a federal taxpayer.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 25nd day of January, 2021.

By:



Hayden Brown